

REMARKS

Claims 7-12 are pending in this application. By this Amendment, claims 7-12 are amended for clarity. No new matter is added. Support for the amendment to claim 7 may be found at least in figures. Reconsideration and allowance of the application are respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Gordon in the June 26, 2009 telephone interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. Claim Rejection Under 35 U.S.C. §112

The Office Action rejects claims 7-12 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Claims 7-12 have been amended to overcome the rejection. For example, the features of the claims are positively recited and antecedent basis is provided.

Withdrawal of the rejection is respectfully requested.

II. Claim Rejection Under 35 U.S.C. §103

The Office Action rejects claims 7-12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,447,728 (Wilmes) in view of U.S. Patent No. 4,869,114 (Kido). This rejection is respectfully traversed.

Wilmes describes an exchangeable oscillating pipette needle for an analyzer (see the Abstract). Oscillations are generated by an eccentric motor equipped with an eccentrically rotating shaft 6 or by an eccentrically mounted roller (see col. 2, lines 64-67 of Wilmes).

Kido describes a device comprising an arm 20 with a depositing tip 15 mounted perpendicularly to the end of the arm 20. A first motor 34 controls the quantity of sample liquid which is sucked into and discharged from the tip 15. A second motor moves arm 20,

by rotation, (see col. 4, lines 38-32) from a first position in which the liquid can be sucked into the pipette and a second position in which the sucked liquid can be deposited.

In Wilmes, the disclosed device comprises clipping means, allowing an easy exchange of the oscillating pipette, mounted on a rigidly secured holder 1. Wilmes does not disclose a head of the pipette fixed to the head supporting block, and the head supporting block freely rotatably disposed within the frame and rotatable about an axis that is perpendicular to the plane.

In Kido, the arm 20 rotates by means of a motor around an axis perpendicular to a plane in which the arm moves (from a first position to a second position). The tip 15 of Kido is not an oscillating pipette of a mixing appliance.

According to the presently claimed features, the head supporting block freely rotates in the frame around an axis perpendicular to a plane in which the pipette oscillates, and the oscillations are generated by a driving unit having a guiding block located between the free end and the head of the pipette. Thus, as shown in Fig. 2, the rotation axis 9 of motor 3 is separate from axis 7, around which the head supporting block 5 rotates freely.

The combination of Wilmes and Kido would at most lead to replace the eccentric motor of Wilmes by a motor located at the head of the pipette to perform the oscillations. A rotation axis of the pipette of Wilmes would then be at the level of the head of the pipette and this would not be a free rotation. For at least the foregoing reasons, Wilmes and Kido fail to render obvious the subject matter of claim 7.

Claims 8-12 depend from claim 7. Because the applied references fail to anticipate or render obvious the features recited in independent claim 7, dependent claims 8-12 are patentable for at least the reasons that claim 7 is patentable, as well as for the additional features they each recite.

Accordingly, withdrawal of the rejection is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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